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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Belgium, Colombia, Czechoslovakia*, France, German Democratic Republic*, Greece*, Iraq, Italy, Luxembourg*, Morocco, Nicaragua*, Philippines, Portugal, Senegal, Spain, Swaziland, Togo*, Union of Soviet Socialist Republics and Uruguay: draft resolution

Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

of free human beings, enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights remain interrelated goals,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of the rights of the person, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Recalling its resolution 1989/10 of 2 March 1989, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give particular attention to extreme poverty and exclusion from society and to examine the feasibility of a study of this question,

Recalling General Assembly resolution 44/148, entitled "Human rights based on solidarity",

Recalling resolution 1989/8, "Reaching the poorest", of the UNICEF Executive Board, which emphasizes, inter alia, that a more thorough knowledge of the situation of the poorest, of their living conditions and the pre-conditions for their partnership would make it easier to reach the groups in question,

Recalling resolution 1989/20 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which endorses the preliminary conclusions of the Special Rapporteur on the realization of economic, social and cultural rights,

Bearing in mind the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

Aware that the adoption of effective measures to promote the enjoyment of all human rights and fundamental freedoms requires a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Requests States, the specialized agencies and United Nations bodies and other international organizations, including non-governmental organizations, to give the necessary attention to this problem when they make known their views on human rights based on solidarity, pursuant to General Assembly resolution 44/148;

3. Draws the attention of the General Assembly and all United Nations bodies to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Urges the Committee on Economic, Social and Cultural Rights to give the necessary attention, in its work, to the question of extreme poverty and exclusion from society;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

READEX FICHE

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 7 (a)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Colombia, Cyprus, Mexico, Nigeria, Peru, Philippines, Venezuela and Yugoslavia: draft resolution

"Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development"

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Reaffirming the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on Social Progress and Development, and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the general comments adopted by the Committee on Economic, Social and Cultural Rights on article 22 of the relevant Covenant,

Welcoming the preliminary report on the Implementation of Economic, Social and Cultural Rights, prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with interest the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation adopted by the General Assembly in its resolution 44/24 of 17 November 1989,

Recognizing that the activities of the various forums in the United Nations system should be closely interrelated, and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Noting with appreciation the conclusions of the UNICEF study entitled "Adjustment with a Human Face" and of the UNICEF reports entitled "The State of the World's Children 1989" and "The State of the World's Children 1990",

Noting with interest the conclusions of the World Bank's "World Debt Tables 1989-1990", volume 1, December 1989, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and living standards in many developing countries,

Observing the beginning of new orientations in economic adjustment programmes which take into account economic growth and problems affecting the welfare of the population, and the positive response on the part of international financial agencies,

Considering that the new strategies for solving the debt problem require policies of economic adjustment accompanied by growth and that it is necessary, within those policies, to monitor social conditions, including standards of living, health, nutrition and employment of the population, especially among low-income groups,

Also recalling its resolution 1989/15 of 2 March 1989 including in the agenda the topic entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development",

1. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit the second report of its Special Rapporteur on the implementation of economic, social and cultural rights to the Commission on Human Rights at its forty-seventh session;

2. Continues consideration, at its forty-seventh session, of the sub-item entitled "Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration of the Right to Development";

3. Invites Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights;

4. Requests the Sub-Commission's Special Rapporteur to take into account, in his second report, the comments and views which Governments provide him on the subject.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 7 (a)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Colombia, Cyprus, Mexico, Nigeria, Peru, Philippines, Venezuela and Yugoslavia: draft resolution

"Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development"

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Bearing in mind resolutions 1989/20 and 1989/21 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, dated 31 August 1989,

Reaffirming the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development as well as the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the general comments adopted by the Committee on Economic, Social and Cultural Rights on article 22 of the relevant Covenant,

Welcoming the preliminary report on the implementation of economic, social and cultural rights, prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with interest the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation adopted by the General Assembly in its resolution 44/24 of 17 November 1989,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated, and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Noting with appreciation the conclusions of the study entitled "Adjustment with a Human Face" and the reports entitled "The State of the World's Children 1989" and "The State of the World's Children 1990" of the United Nations Children's Fund,

Noting with interest the conclusions of the World Bank contained in volume 1, "World Debt Tables 1989-1990", December 1989, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and living standards in many developing countries,

Observing the beginning of new orientations in economic adjustment programmes which take into account economic growth and problems affecting the welfare of the population, and the positive response on the part of international financial agencies,

Considering that the new strategies for solving the debt problem require policies of economic adjustment accompanied by growth and that it is necessary, within those policies, to monitor social conditions, including standards of living, health, nutrition and employment of the population, especially among low-income groups,

Also recalling its resolution 1989/15 of 2 March 1989,

1. Expresses appreciation of the preliminary report entitled "Realization of economic, social and cultural rights" prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit the second report of its Special Rapporteur on the implementation of economic, social and cultural rights to the Commission on Human Rights at its forty-seventh session;

3. Invites Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights;

4. Requests the Special Rapporteur of the Sub-Commission to take into account, in his second report, the comments and views of Governments on the subject;

5. Decides to continue to consider, at its forty-seventh session, the agenda item entitled "Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration of the Right to Development".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 18

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Australia*, Austria*, Canada, Costa Rica*, Denmark*, Finland*, Gambia, Hungary, Italy, The Netherlands*, New Zealand*, Philippines, Portugal, Sweden, Ukrainian SSR and Yugoslavia: draft resolution

Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights

Recalling General Assembly resolution 44/135 of 15 December 1989, Economic and Social Council resolution 1989/142 of May 1989 and Commission on Human Rights resolutions 1989/46 and 1989/47 of 6 March 1989, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observnce of human rights and fundamental freedoms,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Aware that the General Assembly, in its resolution 44/135 of 15 December 1989 reaffirmed its responsibility to ensure the proper functioning of the aforesaid treaty bodies and, in this connection, reaffirmed the importance

(a) Of ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Of addressing the question of securing sufficient financial resources, which is increasingly hampering the proper functioning of human rights treaty bodies, as noted with concern in reports of five such bodies, and of providing sufficient resources to ensure the effective functioning of the respective treaty bodies;

(c) Of addressing problems of both reporting obligations and financial implications when considering the possibility of establishing any additional human rights instruments,

Recalling the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies (E/CN.4/1989/67, annex) and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by General Assembly resolution 44/135 and the Commission on Human Rights resolution 1989/47,

Taking note with appreciation of the study on possible long-term approaches to the supervision of existing and new instruments on human rights which was prepared pursuant to Commission on Human Rights resolution 1989/47 by the independent expert (A/44/66),

1. Endorses the continuing efforts aimed at streamlining, rationalizing and otherwise improving reporting procedures by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Welcomes the conclusions and recommendations with regard to the better functioning of the treaty bodies in the expert study on possible long-term approaches;

3. Invites the treaty bodies to review the expert study, to consider which conclusions and recommendations are of relevance to the respective spheres of competence and to send their comments to the Secretary-General;

4. Requests the Secretary-General to report on the comments of the treaty bodies to the Commission on Human Rights at its forty-seventh session;

5. Urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

6. Also urges all States parties to meet without delay all their financial obligations pursuant to United Nations human rights instruments;

7. Invites meetings of States parties to consider ways and means of strengthening the collection of contributions and making procedures more effective and, if necessary, to reconsider the position of States parties that are substantially in default on their assessed contributions;

8. Notes that the General Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the United Nations regular budget which will be reimbursed from the contributions received within the same budget year, a procedure to be repeated until such time as a permanent solution to such difficulties can be implemented;

9. Emphasizes that any temporary financial assistance from the United Nations regular budget should be provided without prejudice to the duty of States parties to United Nations human rights instruments to meet all their financial obligations pursuant to such instruments;

10. Recommends that the Secretary-General establish a "contingency reserve fund" made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year (normally credited against the contribution of State parties), and to be used to finance, on a contingency basis, up to two meetings of the Committee on the

Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed once payments by these States are received;

11. Reiterates its conviction that in standard setting exercise every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

12. Requests the Secretary-General to convene the forthcoming meeting of Chairpersons of human rights treaty monitoring bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the meeting's conclusions and recommendations at that session;

13. Invites the Chairpersons meeting to discuss the range of problems affecting the effective implementation of human rights treaties;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to present a report on the situation and developments regarding the logistical and human resources support for the increasing activities in the field of human rights of the Centre for Human Rights, and in particular, on the servicing needs of the human rights treaty bodies, the provisions for servicing included in the United Nations budget and on the implementation of these provisions, to the first regular session of the Economic and Social Council in 1990;

16. Decides to consider this subject on a priority basis at its forty-seventh session under the agenda item to be entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

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Forty-sixth session
Agenda item 18

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Argentina, Australia*, Bulgaria, Canada, Colombia, Denmark*, France, German Democratic Republic*, Hungary, Italy, Norway*, Peru and Philippines: draft resolution

Computerization of the work of human rights treaty monitoring bodies in relation to reporting systems

The Commission on Human Rights

Considering that the effective functioning of treaty monitoring bodies established pursuant to United Nations human rights instruments, including the consideration of periodic reports of States parties, is essential for monitoring the implementation of those instruments and for the realization of the aims and objectives enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Recalling the many resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights affirming the importance of the effective implementation of United Nations instruments on human rights in promoting universal respect for, and observance of, human rights and fundamental freedoms,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reiterating its deep concern over the delays in submission of national reports by States parties to those instruments and in the consideration of reports by treaty bodies,

Recalling further that the meeting of persons chairing human rights treaty bodies, held at Geneva in October 1988, considered its essential, in addressing those problems, to make use of the opportunities provided by computerization and recommended the appointment of a task force on computerization,

Recalling also that the General Assembly, in its resolution 43/115 of 8 December 1988, requested the Commission on Human Rights, in view of its overall responsibilities in the field of human rights, to consider at its forty-fifth session, as a matter of priority, the conclusions and recommendations of the meeting of persons chairing human rights treaty bodies, in particular those identified as matters requiring urgent action, and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council,

Having considered at its forty-fifth session:

(a) The importance of urgently needed measures to assist States parties to human rights instruments to fulfil their reporting obligations;

(b) The need for rationalizing the entire reporting and monitoring systems;

(c) The rapidly increasing work-load of the Centre for Human Rights in respect of treaty implementation as well as the need for the Centre to assist both the States parties and the treaty monitoring bodies,

Recalling its resolution 1989/46 of 6 March 1989 by which it requested the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of exports, including one or more computer experts to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting, with a view to enhancing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies, and to report to the Commission on Human Rights at its forty-sixth session on the result of the work,

Taking note of General Assembly resolution 44/135 of 15 December 1989 by which the General Assembly, inter alia, welcomed the appointment by the Secretary-General of a task force to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies,

Having considered the report of the Secretary-General on the results of the study undertaken by the Task Force on Computerization (E/CN.4/1990/39),

1. Takes note with appreciation of the report of the Secretary-General;

2. Takes note of the study on computerizing the work of the human rights treaty monitoring bodies in relation to reporting, prepared by the Task Force (E/CN.4/1990/39);

3. Suggests that the proposed system take advantage of and be complementary to the existing computer and optical disk equipment already functioning within the various sections of the United Nations Office in Geneva, particularly that provided by a generous contribution of a Member State;

4. Approves the recommendations of the Task Force contained in Chapter IV of the study and concurs with its analysis of the impact of the proposed system on the work of the treaty monitoring bodies in relation to reporting as described in Chapter V of the study;

5. Recommends to States Members of the United Nations, in particular those States which are parties to United Nations human rights instruments, to make generous contributions to cover the estimated initial, one-time only, cost of the proposed system (E/CN.4/1990/39, para. 63), and to enable the Secretary-General to implement the recommendations of the Task Force;

6. Draws the attention of the Economic and Social Council and through it the attention of the General Assembly to the study undertaken by the Task Force on Computerization in particular to Chapters IV and V of the study;

7. Strongly recommends to the Economic and Social Council and the General Assembly to approve the annual recurrent cost for the system (E/CN.4/1990/39, para. 63), and to authorize the inclusion of the annual recurrent cost under the 1992-93 biennium budget when the proposed system is expected to become operational;

8. Stresses that the proposed system should be introduced in a way that is compatible with longer-term plans for computerization of the United Nations Office at Geneva and as the first step in computerization of the entire human rights programme;

9. Requests the Secretary-General to report to the Commission on Human Rights at its forty-seventh session on the progress made in the implementation of the present resolution;

10. Decides to consider the report of the Secretary-General at its forty-seventh session under the item of its agenda entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 8

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Argentina, Austria*, Bulgaria, German Democratic Republic*, Germany, Federal Republic of, Hungary, Italy, Mexico, Poland*, and Spain: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

GE.90-10793/5409A

Question of trade union rights

The Commission on Human Rights,

Recalling that in the preambles to the international covenants on human rights it is recognized that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated, and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of protecting and promoting the other category of rights,

Recognizing the most important rule played by trade unions in efforts to achieve social justice,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and in the International Covenant of Civil and Political Rights,

Further recalling the most important rule played by the International Labour Organisation in the protection and promotion of trade union rights,

Deeply concerned by the fact that in many countries persons who exercise their trade union rights in striving for a more just society and human dignity are subject to serious violations of their fundamental human rights, including the right to life,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their trade union rights freely and in full;

2. Requests Governments to take immediate action to put an end to existing violations of these rights;

3. Invites Member States that have not yet done so to ratify and apply in full the International Labour Organisation's Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and the Convention concerning the Application of the Principles of the Right to Organise and Bargain Collectively, 1949 (No. 98).

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Argentina, Austria*, Bulgaria, German Democratic Republic*, Germany, Federal Republic of, Hungary, Italy, Mexico, Poland*, and Spain: draft resolution

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Question of trade union rights

The Commission on Human Rights,

Recalling that in the preambles to the international covenants on human rights it is recognized that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated, and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of protecting and promoting the other category of rights,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and in the International Covenant of Civil and Political Rights,

Further recalling the most important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Deeply concerned by the fact that in many countries persons who exercise their trade union rights in striving for a more just society and human dignity are subject to serious violations of their fundamental human rights, including the right to life,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their trade union rights freely and in full;

2. Requests Governments to take immediate action to put an end to existing violations of these rights;

3. Invites Member States that have not yet done so to ratify and apply in full the International Labour Organisation's Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and the Convention concerning the Application of the Principles of the Right to Organise and Bargain Collectively, 1949 (No. 98).

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 17

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Australia*, Austria*, Bulgaria, Byelorussian SSR*, Canada, Cyprus, Denmark*, Finland*, German Democratic Republic*, Hungary, Ireland*, New Zealand*, Nicaragua*, Norway*, Peru, Portugal, Senegal, Sweden, The Netherlands*, Ukrainian SSR, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland:
draft resolution

Status of the International Covenants on Human Rights

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 1989/17 of 2 March 1989 and General Assembly resolution 44/129 of 15 December 1989,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/44/441),

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the co-ordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights which have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic,

Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes also the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments to the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Requests the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, the organization of regional and subregional training courses and the exploration of other possibilities available under the programme of advisory services in the field of human rights;

12. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant in as many languages as possible and to disseminate them as widely as possible in order to make them better known;

13. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-seventh session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

14. Decides to consider at its forty-seventh session an agenda item entitled "Status of the International Covenants on Human Rights".

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UNITED
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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Australia*, Belgium, Bulgaria, Colombia, Cyprus, Denmark*, Finland*, France, German Democratic Republic*, Hungary, Norway, Philippines, Portugal, Senegal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland and Ukrainian SSR: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant of Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems to their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international co-operation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international co-operation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and co-operation to the Committee on Economic, Social and Cultural Rights, inter alia, by ensuring that expert representatives are designated for the presentation of States' reports and by the preparation, in consultation with relevant government departments and agencies, of succinct information;

3. Welcomes the establishment by the Committee of a pre-sessional working group to ensure better preparation for the Committee's work, and invites the Committee to continue to develop as a matter of priority its general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General (A/40/600/Add.1) and focusing on such specific information as would assist the Committee to carry out its mandate more effectively;

4. Welcomes the Committee's adoption of a general comment at each of its third and fourth sessions, and encourages it to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

5. Welcomes the dialogue between the Committee and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of Economic, Social and Cultural Rights, Mr. Danilo Türk, and expresses the hope that the dialogue will continue;

6. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant, and in this context to pay particular regard to the most vulnerable and disadvantaged;

7. Affirms that full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

8. Invites Member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes;

9. Welcomes the Committee's decision to devote one day at each of its sessions to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues, and urges States parties, specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for both written interventions and oral statements;

10. Welcomes the Committee's focus in its general comment on article 23 of the International Covenant on Economic, Social and Cultural Rights, on the means by which the various United Nations agencies working in the field of development could seek to integrate measures designed to promote full respect for economic, social and cultural rights in their activities;

11. Requests the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of the development agencies, and, in this regard, notes the relevance of the programme of advisory services;

12. Requests the Secretary-General to consult the Committee with a view to eliciting its recommendations as to how the programme of advisory services in the field of human rights could best be used to promote enhanced respect for economic, social and cultural rights;

13. Urges the Economic and Social Council, in reviewing its activities pursuant to General Assembly resolution 41/213 of 19 December 1986, to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights, while paying due regard to the distinctive character of the Committee on Economic, Social and Cultural Rights in its capacity as a treaty body;

14. Invites the Economic and Social Council, pursuant to article 22 of the Covenant, to identify ways in which international co-operation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

15. Welcomes the preliminary report entitled "Realization of Economic, Social and Cultural Rights" (E/CN.4/Sub.2/1989/19) prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission;

16. Invites the Special Rapporteur, when preparing a progress report on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, to take into account comments made in the Commission of Human Rights and requests that in the above-mentioned study priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged;

17. Decides to consider issues raised by the present resolution again at its forty-seventh session under the agenda item "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

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COMMISSION ON HUMAN RIGHTS
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Agenda item 23

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Argentina, Austria*, Belgium, Canada, Finland*, France, Gambia, Germany, Federal Republic of, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, New Zealand*, Peru, Philippines, Poland*, Portugal, Senegal, Sweden, Switzerland*, Ukrainian SSR, Union of Soviet Socialist Republics, United States of America: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting General Assembly resolution 44/131 of 15 December 1989, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-fifth session,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/23 of 31 August 1989,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling its resolutions 1988/55 of 8 March 1988 and 1989/44 of 6 March 1989, in which it requested the Sub-Commission to prepare a working paper comprising a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief and on the issues and factors to be considered before any drafting of a further binding international instrument on freedom of religion takes place, and to report thereon to the Commission at its forty-sixth session,

Taking note with appreciation of the working paper prepared in response to the Commission's request by Mr. Theo van Boven, member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/32),

Recalling its decision in resolution 1988/55 of 8 March 1988 to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur (E/CN.4/1990/46),

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur, Mr. Angelo Vidal D'Almeida Ribeiro, and takes note of his report and the various views expressed thereon during the forty-sixth session of the Commission;

3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief,

4. Urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine,

where necessary, the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

7. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by the United Nations information centres as well as by other interested bodies;

8. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, including at the Second International Conference on this topic held in Warsaw in May 1989;

9. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

10. Welcomes with appreciation the working paper prepared by Mr. Theo van Boven, member of the Sub-Commission, which contains a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument;

11. Decides to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate;

12. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report and to carry out his work with discretion and independence;

13. Calls upon Governments which have not done so to co-operate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments, and, in this connection, calls especially for the co-operation of the Governments whose failure to respond has been noted in successive reports of the Special Rapporteur;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-seventh session;

15. Requests the Secretary-General to report to the Commission at its forty-seventh session on measures to implement the present resolution;

16. Decides to continue its consideration of this matter at its forty-seventh session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

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E

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COMMISSION ON HUMAN RIGHTS
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Agenda item 23

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/1990/L.34

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 11 of draft resolution E/CN.4/1990/L.34, the Commission on Human Rights would decide to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate.

B. Relationship of request to proposed programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991.

3. The following programme element of Section 23 (Human Rights) of the programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the draft resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) Substantive servicing of 20 separate exercises of a fact-finding nature or other procedure dealing with alleged violations of human rights decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions.

Output: (viii) Preparation of 20 reports to be submitted to the Commission on Human Rights and the General Assembly on fact-finding exercises mentioned in previous output.

C. Activities by which the proposed request would be implemented

4. It is envisaged that in order to carry out his mandate, the Special Rapporteur would travel to Geneva in May or June 1990, May or June 1991 and May or June 1992 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. The Special Rapporteur would travel to Geneva for a period of five working days in September or October 1990, September or October 1991 and September or October 1992 in order to prepare his reports to the Commission on Human Rights at its forty-seventh, forty-eighth and forty-ninth sessions, and in December 1990 or January 1991, in December 1991 or January 1992 and in December 1992 or January 1993 in order to finalize them. In February or March 1991, in February or March 1992 and in February or March 1993 he would travel to Geneva for a period of five working days to present his reports to the Commission on Human Rights. In order to respond to invitations from Governments as recommended in paragraphs 12 and 13 of the draft resolution, the Special Rapporteur, accompanied by up to three staff members, would undertake a maximum of six field missions during the period 1990 to 1993.

5. Eighteen work-months of temporary assistance at the P-3 level and 18 work-months at the GS level would be required to assist the Special Rapporteur during his three-year mandate in the gathering of information, compilation and analysis of material and assistance in the preparation for and conduct of missions, as well as in the preparation of his reports to the Commission on Human Rights.

D. Modifications required in the programme of work

6. No modification would be required in the programme of work for 1990-1991, since the activity appears under programme element 1.3.

E. Additional requirements at full cost

7. The estimated cost of the above programme of work is itemized as follows:

	1990	1991	1992	1993
	(US dollars)			
Three round trips to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights May/June 1990, May/June 1991 and May/June 1992 (five working days each)				
Travel and subsistence	1 900	1 900	1 900	-
Six field missions of the Special Rapporteur, accompanied by up to three staff members from the Centre for Human Rights (calculated on a notional basis for a period of five working days each)				
Travel costs of Special Rapporteur	5 000	5 000	5 000	-
Travel costs of three staff members	4 000	4 000	4 000	-
General operating expenses: local transport, communications and rental of office space	2 000	2 000	2 000	-
Three round trips to Geneva of the Special Rapporteur to prepare his reports to the Commission on Human Rights, September/October 1990, September/October 1991 and September/October 1992 (five working days each)				
Travel costs of Special Rapporteur	1 900	1 900	1 900	-
Three round trips to Geneva of the Special Rapporteur to finalize his reports to the Commission on Human Rights at its forty-seventh, forty-eighth and forty-ninth sessions, December 1990 or January 1991 December 1991 or January 1992 and December 1992 or January 1993 (five working days each)				
Travel and subsistence	1 900	1 900	1 900	-

	1990	1991	1992	1993
		(US dollars)		
Three round trips to Geneva of the Special Rapporteur to the Commission on Human Rights February/March 1991, February/March 1992 and February/March 1993 (five working days each)				
Travel and subsistence	-	1 900	1 900	1 900
General temporary assistance				
18 work-months at P-3 level 1/	22 500	22 500	22 500	13 500
18 work-months at GS level 1/	17 500	17 500	17 500	10 500
Total	56 700	58 600	58 600	25 900

8. The relevant costs to be financed under section 23 (Human Rights) are estimated at $56,700 for 1990, $58,600 for 1991, $58,600 for 1992 and $25,900 for 1993.

9. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at $5,000 for each mission to be financed under section 29 B (Conference Services Division, Geneva).

10. This draft resolution is considered to be within the scope of perennial activities and resources therefore would be provided from the existing provision for the Economic and Social Council mandates under Section 23 (Human Rights), thus making it unnecessary to request any additional appropriation or to have recourse to the contingency fund.

Notes

1/ 5 w/m in 1990, 5 w/m in 1991, 5 w/m in 1992 and 3 w/m in 1993.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

United States of America: draft resolution

Situation of human rights in Cuba

The Commission on Human Rights,

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106, (E/CN.4/1989/46 and Corr.1),

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining on-going contacts, both written and oral, with the Government of Cuba on this matter,

Gravely concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba,

Profoundly aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms,

1. Calls upon the Government of Cuba to honour its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever;

2. Calls upon once again the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN.4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report;

3. Requests the Secretary-General to provide the Commission, at its forty-seventh session, with the texts and results of his oral and written contacts maintained with the Government of Cuba pursuant to decision 1989/113;

4. Decides to continue its consideration of the question of the situation of human rights in Cuba at its forty-seventh session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Belgium, Germany, Federal Republic of, Japan, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Cuba

The Commission on Human Rights,

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106, (E/CN.4/1989/46 and Corr.1),

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the Government of Cuba on this matter,

Expressing appreciation to the Secretary-General for his efforts in support of respect for human rights and fundamental freedoms,

Concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba,

Aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms,

1. Calls upon the Government of Cuba to honour its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever;

2. Calls upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN.4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report;

3. Welcomes the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the Government of Cuba, as expressed in his letter to the Chairman of 29 January 1990, and requests that he provide, under this agenda item, the results of these contacts to the forty-seventh session.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 22

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Brazil, Colombia, Mexico, Peru, Uruguay*, Venezuela: draft resolution

Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1989/74 of 8 March 1989 on assistance to Guatemala in the field of human rights,

Taking into account resolution 1989/6 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Add.1 and Corr.1) and of the Special Rapporteur on torture (E/CN.4/1990/17 and Add.1),

Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October of this year,

Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

Seriously concerned, however, at the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring, as a result of the activities of groups beyond the control of the Government,

Deeply disturbed also by the activities of the "death squads" which are deemed responsible for disappearances and murders,

Concerned further at the economic, social and cultural rights situation of the Guatemalan population in general,

Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

1. Expresses its gratitude to the Expert for the work done during his term of office and thanks him for his report and recommendations;

2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

3. Recognizes that, while the Government of Guatemala has upheld its commitment to guaranteeing the protection of fundamental rights and freedoms, it has been unable to implement the decision taken with sufficient authority, so that the social violence and violations of human rights have continued;

4. Supports therefore the recommendations contained in the Expert's report (E/CN.4/1990/45) that the programme of assistance and advisory services in the field of human rights should be continued and strengthened;

5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II Agreements and to promote and participate more actively in the national reconciliation dialogue, as one of the ways of consolidating the democratic process;

6. Deeply deplores the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

7. Expresses its profound concern at the resurgence of criminal activities of so-called "death squads" and other groups outside the control of the Government;

8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party (MNR) of El Salvador, Secretary for Latin America of the Socialist International and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Guatemalan Government to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of "death squads";

12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

14. Requests the Secretary-General to appoint an Expert to continue assistance to the Government in the field of human rights and to report to the Commission at its forty-seventh session on his advisory activities and on the situation in the country.

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(105)

UNITED NATIONS

E

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 22

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Belgium, Brazil, Canada, Colombia, Denmark* Ireland*, Luxembourg*, Mexico, Netherlands*, Norway*, Peru, Spain, Sweden, Uruguay*, Venezuela: draft resolution

Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling its resolution 1989/74 of 8 March 1989 on assistance to Guatemala in the field of human rights,

Taking into account resolution 1989/6 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Add.1 and Corr.1) and of the Special Rapporteur on torture (E/CN.4/1990/17 and Add.1),

Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October of this year,

Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

Seriously concerned, however, that the Government has not been able to control the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring,

Deeply disturbed also by the activities of the "death squads" which are deemed responsible for disappearances and murders,

Deeply concerned also by the serious shortcomings as regards respect for economic, social and cultural rights,

Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

1. Expresses its gratitude to the Expert for the work done during his term of office and thanks him for his report and recommendations;

2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

3. Recognizes that, while the Government of Guatemala has upheld its commitment to guaranteeing the protection of fundamental rights and freedoms, it has been unable to implement the decision taken with sufficient authority, so that the social violence and violations of human rights have continued;

4. Supports therefore the recommendations contained in the Expert's report (E/CN.4/1990/45) that the programme of assistance and advisory services in the field of human rights should be continued and strengthened;

5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II Agreements and to promote and participate more actively in the national reconciliation dialogue, as one of the ways of consolidating the democratic process;

6. Deeply deplores the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

7. Expresses its profound concern at the resurgence of criminal activities of the "death squads", as indicated in the report of the Special Rapporteur to examine questions relevant to torture (E/CN.4/1990/17);

8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party (MNR) of El Salvador, Secretary for Latin America of the Socialist International, and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Guatemalan Government to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of "death squads";

12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

14. Requests the Secretary-General to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights who, within the framework of his mandate, shall prepare a report with appropriate recommendations for submission to the Commission at its forty-seventh session;

15. Decides to consider this matter at its forty-seventh session under an item of the agenda to be determined in the light of the above-mentioned report and of the situation of human rights and fundamental freedoms in Guatemala.

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(106)

UNITED
NATIONS

E

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Australia*, Austria*, Belgium, Canada, Colombia, Cyprus, Denmark*, Finland*, France, Germany, Federal Republic of, Hungary, Italy, New Zealand*, Philippines, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights, in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Calling attention to the various international standards adopted by the United Nations in the field of administation of justice,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful of the Second Optional Protocol to the International Covenant on Civil and Political Rights on the elimination of the death penalty, as well as of the prohibition under article 6 of the International Covenant on Civil and Political Rights of the imposition of the death penalty for crimes committed by persons below 18 years of age,

Noting that the United Nations system continues to give special attention to the elaboration of standards in this field as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986,

Mindful also of Economic and Social Council resolution 1989/63 of 24 May 1989 on implementation of United Nations standards and norms in crime prevention and criminal justice,

Expressing the need for further intensified co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs relating to human rights in the administration of justice,

Mindful further of the principles contained in General Assembly resolution 41/120 of 4 December 1986 on standard setting in the field of human rights,

Guided by General Assembly resolution 44/162 of 15 December 1989 on human rights in the administration of justice,

Recalling its resolution 1989/24 of 6 March 1989,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call upon all States to spare no effort in providing for effective legislative and other mechanisms and procedures as well as adequate resources to ensure more effective implementation of these standards, taking into account the General Assembly's recommendations, in resolution 43/153 of 8 December 1988, for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Emphasizes the importance of appropriate education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice, and requests the Secretary-General to provide for appropriate action within the framework of the World Public Information Campaign for Human Rights;

7. Takes note of the Note by the Secretary-General on the feasibility of drafting model texts for national legislation or other measures for the effective implementation of standards relating to human rights in the administration of justice (E/CN.4/1990/12);

8. Invites the Secretary-General to establish a consolidated list of provisions in the various United Nations standards in this field relevant for the drafting of such model texts;

9. Further invites the Secretary-General to forward this list, together with the comments solicited in accordance with General Assembly resolution 44/162, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;

10. Requests the Secretary-General to inform the Commission at its forty-seventh session on the decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to the administration of justice in the field of human rights;

11. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, taking these comments into account, the implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission;

12. Further invites the Sub-Commission to consider the elaboration of model texts for national legislation in this field and to report thereon to the Commission at its forty-seventh session;

13. Decides to consider the question of human rights in the administration of justice at its forty-seventh session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".